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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

JACOB SABATINO, individually, and on
 behalf of all others similarly situated,

Plaintiffs,

vs.

UBER TECHNOLOGIES, INC., a Delaware
 corporation; RASIER, LLC, a Delaware
 limited liability company; RASIER-CA, LLC,
 a Delaware limited liability company;
 RASIER-DC, LLC, a Delaware limited
 liability company; RASIER-PA, LLC, a
 Delaware limited liability company; and DOES
 1 to 25, inclusive,

Defendants.

Case No. 3:15-cv-00363-JST

**DECLARATION OF ABHAY VARDHAN
 IN SUPPORT OF UBER'S MOTION TO
 STAY PROCEEDINGS PENDING
 ARBITRATION**

Date: May 21, 2015
 Time: 2:00 p.m.
 Judge: Hon. Jon S. Tigar
 Place San Francisco Courthouse
 Courtroom 9, 19th Floor
 450 Golden Gate Ave.
 San Francisco, CA 94102

1 I, Abhay Vardhan, hereby declare as follows:

2 1. I am over the age of 18 and I submit this declaration in support of
3 Defendant's Motion to Stay Proceedings Pending Arbitration. I have personal knowledge of each
4 fact stated in this declaration and, if called as a witness, I could and would competently and
5 truthfully testify thereto.

6 2. I am an Engineering Manager at Uber Technologies, Inc. My responsibilities
7 include designing, developing and maintaining the rider website sign up procedure.

8 3. Uber was founded in 2009 in San Francisco, California. Uber develops and
9 licenses the Uber App that members of the public can use to request transportation services from
10 independent, third-party transportation providers in their local area. Rasier, LLC, Rasier-CA,
11 LLC, Rasier-DC, LLC and Rasier-PA, LLC are subsidiaries of Uber.

12 4. In order to request and pay for third-party transportation services via the
13 Uber App, riders must first register with Uber by creating an account. An account can be created
14 from the company's website: <https://get.uber.com>. Alternatively, an account can be created from
15 within the Uber App itself.

16 5. In the normal course of its business, Uber maintains records regarding when and
17 how its riders register. As an Engineering Manager I have access to these registration records, and
18 I am familiar with these records and the manner in which they are updated and maintained. At the
19 request of counsel, I reviewed the registration records and was able to identify the date and
20 method by which Jacob Sabatino registered for Uber: Mr. Sabatino registered on July 27, 2014
21 via the Uber website (with either a computer, tablet or through the web browser on his
22 smartphone).

23 6. To confirm the process by which a rider created an Uber account through the
24 company's website on July 27, 2014, as Mr. Sabatino did, I accessed historical screenshots of
25 Uber website's registration page, which I have access to in my role as Engineering Manager. Uber
26 maintains these historical screenshots of its website registration page in the ordinary course of
27 business. Attached hereto as **Exhibit A** is a true and correct screen shot of the Uber website's
28 registration page as of July 27, 2014.

1 7. The process for creating an Uber account through the company's website on July
2 27, 2014 required riders to input the following data in fields contained on a single webpage: name,
3 mobile phone number, email address, password, language, credit card information, postal code,
4 and promotion code (if any). Upon completing these fields, riders would then create an account
5 by clicking the blue sign-up button at the bottom of the webpage. A prospective rider cannot
6 complete the registration process without clicking the blue button.

7 8. The following notice was visibly displayed on Uber website's registration page,
8 directly above the blue sign-up button: "By clicking 'Submit' below, you are agreeing to the Uber
9 Terms and Conditions and Privacy Policy." The phrases "Uber Terms and Conditions" and
10 "Privacy Policy" in this notice were displayed in blue text, indicating that they are hyperlinks.

11 9. When the "Terms and Conditions" hyperlink was clicked, the relevant Terms and
12 Conditions then in effect were displayed.

13
14 I declare under penalty of perjury that the foregoing statements are true and correct.

15
16 Dated: March 20, 2015

By: 

Abhay Vardhan